

S/N 10/784,555

Atty Dkt No. GP-303797/GM0428PUSP

Remarks

This amendment is intended to be fully responsive to the office action mailed November 22nd, 2005.

In the office action, the Examiner has objected to claims 8, 11 and 12 under 37 C.F.R. 1.175 as being substantial duplicates of claims 3, 4 and 5, respectively. Accordingly, claims 8, 11 and 12 have been cancelled with the present Amendment.

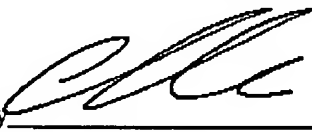
Claims 1, 2, 7 and 9 have been rejected under 35 USC §103(a) as being unpatentable over Hayabuchi '287 in view of Filanovsky '513. The Examiner indicates that the Filanovsky reference constitutes prior art only under 35 USC § 102(e). The Examiner further indicates that the rejection might be overcome by showing that the reference is disqualified under 35 USC § 103(c) as prior art in the rejection under 35 USC § 103(a). Section 103(c) states that:

Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of Section 102 of [Title 35], shall not preclude patentability under [Section 103] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Pursuant to MPEP §702.02(1)(2), the attached Statement of Common Ownership indicates that Application No. 10/784,555 and the Filanovsky patent 6,811,513 were at the time the invention of Application No. 10/784,555 was made, commonly owned by General Motors Corporation. Accordingly, Applicants submit that Filanovsky '513 may not be used as a basis for rejection under Section 103(a). The rejection under Section 103(a) is therefore believed to be overcome.

Accordingly, all pending claims are believed to be in condition for allowance. Applicant notes with appreciation the indication of allowability of claim 6.

Respectfully submitted,

By 
Christopher DeVries
Reg. No. 44654

S/N 10/784,555

Atty Dkt No. GP-303797/GM0428PUSP

Statement of Common Ownership

Application No. 10/784,555 and United States Patent No. 6,811,513 were, at the time the invention of Application No. 10/784,555 was made, owned by General Motors Corporation.



Leslie C. Hodges
Reg. No. 41,843

Date: 1-13-06

GENERAL MOTORS CORPORATION
Legal Staff Mail Code 482-C23-B21
P.O. Box 300
Detroit, Michigan 48265-3000